

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Francisco Javier Sanchez,)

a.k.a.: Francisco Javier Tapias-Sanchez,)

(A088 026 582))

Defendant)

Case No. 17-404 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of April 24, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Francisco Javier Sanchez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about December 23, 2006, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jacqueline Schesnol

☒ Continued on the attached sheet.


Complainant's signature

Darrin J. McNeill,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 27, 2017


Judge's signature

City and state: Phoenix, ArizonaMichelle H. Burns,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On April 24, 2017, Francisco Javier Sanchez was arrested by the Phoenix Police Department and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Sanchez was examined by ICE Agent E. Fontanez who determined Sanchez to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On September 27, 2017, Sanchez was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Sanchez was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Francisco Javier Sanchez to be a citizen of Mexico and a previously deported alien. Sanchez was removed from the United States to Mexico at or near Nogales, Arizona, on or about December 23, 2006, pursuant to an order of removal issued by an immigration official. There is no record of Sanchez in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to

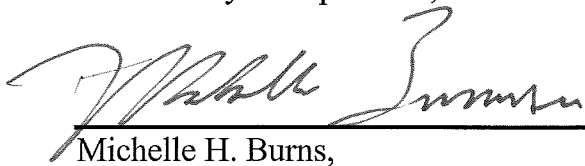
the United States after his removal. Sanchez's immigration history was matched to him by electronic fingerprint comparison.

4. On September 27, 2017, Francisco Javier Sanchez was advised of his constitutional rights. Sanchez freely and willingly acknowledged his rights and declined to make any further statements.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about April 24, 2017, Francisco Javier Sanchez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States to Mexico at or near Nogales, Arizona, on or about December 23, 2006, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Darrin J. McNeill,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 27th day of September, 2017.



Michelle H. Burns,
United States Magistrate Judge